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Amendment
Attorney Docket No. S63.2N-6072-US03

Remarks

This Amendment is in response to the Office Action dated December 13, 2004. Claims 1 and 3-12 are pending in this application. Claims 4 and 7 have been withdrawn. The Office Action rejected claims 1, 3, 5-6 and 8-12 under the judicially created doctrine of obviousness type double patenting; rejected claims 1, 3, 5-6 and 8-12 under 35 USC § 112, first paragraph; rejected claim 12 under 35 USC § 112, second paragraph; rejected claims 1, 3, 5-6 and 8-12 under 35 USC § 102 over Simon et al. (US 5,395,390; hereinafter "Simon"); and rejected claims 1, 3, 5-6 and 8-11 under 35 USC § 102 over Hansen et al. (US 5,928,280; hereinafter "Hansen").

By this Amendment, claims 1, 3, 9 and 12 are amended and claims 21-24 are added. Support for the amendments may be found at least in Figure 14. A terminal disclaimer is submitted herewith. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim Rejections Based on Obviousness Type Double Patenting

The Office Action rejects claims 1, 3, 5-6 and 8-12 under the judicially created doctrine of obviousness type double patenting over at least claims 9 and 20 of US 6,723,118 and at least claims 2 and 15 of US 6,071,308.

Without forming an opinion as to the validity of the double patenting rejection, Applicants note that the projected expiration date of a patent granted on the immediate application will be the same as the expiration date of either of the prior '118 or '308 patents, regardless of whether or not the immediate application is subject to a Terminal Disclaimer. Therefore, in order to further timely prosecution of the immediate application, a Terminal Disclaimer is enclosed herewith that disclaims the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the '118 or '308 patents. Accordingly, Applicants request withdrawal of the rejection under the judicially created doctrine of obviousness type double patenting.

Claim Rejections - 35 USC § 112

The Office Action rejects claims 1, 3, 5-6 and 8-12 under 35 USC § 112, first

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paragraph. The Examiner alleges that the specification fails to teach the elected embodiment shown in Figure 14 which has a connector section of at least a pair of wires.

Without forming an opinion as to whether or not the specification teaches the embodiment of Figure 14 having a connector section comprising at least a pair of wires, Applicants assert that claim 1 has been amended and no longer contains the limitation that the straight connector section comprises at least a pair of wire segments. Therefore, Applicants assert that amendments to claim 1 have obviated the rejections under 35 USC § 112, first paragraph.

The Office Action also rejects claim 12 under 35 USC § 112, second paragraph, alleging that the limitation "a connecting wire" lacks antecedent basis and is ambiguous. Claim 12 has been amended and now claims a "straight connector section." Therefore, Applicants assert that amendments to claim 12 have obviated the rejections under 35 USC § 112, second paragraph.

Accordingly, Applicants request withdrawal of the rejections under 35 USC § 112.

Claim Rejections – 35 USC § 102

The Office Action rejected, under 35 USC § 102, claims 1, 3, 5-6 and 8-12 over Simon and claims 1, 3, 5-6 and 8-11 over Hansen. Independent claim 1 has been amended.

Applicants assert that neither Simon nor Hansen disclose or suggest a stent having a "plurality of spaced sections including a first end spaced section, a middle spaced section and a second end spaced section" and a "straight connector section extending from the first end spaced section to the second end spaced section" as recited in independent claim 1.

With respect to the stents disclosed in both Simon and Hansen, a first end section, middle section and second end section may be defined. However, neither Simon nor Hansen includes a straight connector section which extends from the first end section to the second end section.

Therefore, Applicants submit that independent claim 1 is patentable over both Simon and Hansen. Claims 3, 5-6 and 8-12 depend from independent claim 1 and therefore also define patentable subject matter for at least the reasons discussed with respect to claim 1.

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Accordingly, Applicants request the withdrawal of the rejections under 35 USC § 102.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3, 5-6, 8-12 and 21-24 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: March 11, 2005

By: _____

Jeremy G. Laabs
Registration No.: 53170

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
E-Mail: jlaabs@vaslaw.com

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